

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA
FIFTH DIVISION

In Re:

RONALD W. MAKSYMCHUK
Debtor.

Bky 00-50725

Chapter 7

**NOTICE OF MOTION AND
MOTION FOR LEAVE TO WITHDRAW
AS ATTORNEY**

TO: The Court above-named; the Debtor; the United States Trustee, and Trustee of record John H. Bray; and all other parties required by Local Rule 9013-3(a):

1. Peter C. Greenlee, and Greenlee Law Office, Attorney for the Debtor, moves the Court for the relief requested below and gives Notice of Hearing.

2. The Court will hold a hearing on this motion on October 11, 2000 at 1:30 p.m. or as soon thereafter as may be heard, at the United States Courthouse, 4th floor, 515 West First Street, Duluth, Minnesota.

3. Any response to this Motion must be filed and delivered not later than 1:30 p.m. on October 10, 2000, which is twenty-four hours before the hearing, or filed and served by mail

AFFIDAVIT OF SERVICE BY MAIL

State of Minnesota)
)ss.
County of St. Louis)

In Re: MAKSYMCHUCK, RONALD W.
BANKRUPTCY NO: 00-50725

I, Susan M. Sayers being duly sworn upon oath, disposes and states: that on September 28, 2000 she served and enclosed: Notice of Motion to Withdraw as Attorney: Bankruptcy Court, 515 W 1st St, Duluth, MN 55801, Barbara Stuart, 1015 US Courthouse, 300 S. 4th St, Minneapolis, MN 55415, and the Debtor Ronald W. Maksymchuck, by depositing in the U.S. Mail, postage prepaid, a true and correct copy thereof.

Further affiant sayeth not.

Susan M. Sayers

Subscribed and sworn to before me
this _____ day of _____, 2000.

Notary Public

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**AFFIDAVIT OF PETER C.
GREENLEE**

State of Minnesota)
)ss.
County of St. Louis)

Peter C. Greenlee, being first duly sworn, states as follows:

1. I am the attorney for Debtor. This Affidavit is made in support of my Motion to Withdraw as counsel of record in the above-entitled matter.

2. In the course of representing Debtor I have become aware of information that necessitates that I withdraw as attorney for Debtor. I believe that Minnesota Rules of Professional Conduct 1.2(c) and (d) require my withdrawal from representation.

3. I believe that the Debtor expects legal assistance not permitted by rule and law. I have attempted to consult with

Debtor by pre-arranged meeting on September 29, but Debtor has refused to meet with me.

Further your affiant sayeth naught.

Dated this 30th day of September, 2000.

Peter C. Greenlee (238442)
Greenlee Law Office
P.O. Box 1067
Twig, MN 55791
(218) 729-0628

Subscribed and sworn to before me this _____ day of
_____, 2000.

Notary Public

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MEMORANDUM OF LAW

This Memorandum is made in support of attorney Peter C. Greenlee, in his Motion to Withdraw as counsel for the above-named debtor.

Requests for Withdrawal of attorney are governed by Local Rule 9010-3(e)(2) which requires motion and court approval for withdrawal of attorney of record in the absence of a substitution of counsel.

Minnesota Rules of Professional Conduct 1.2(c) and (d), and the comments attached thereto, require that an attorney withdraw from further representation of a client where the attorney discovers information that leads the attorney to believe that continued representation would constitute assisting the client in actions that are criminal or fraudulent. The attorney has made an attempt to consult with the client regarding the limitations upon the attorney's conduct, and client has refused to attend a meeting arranged for that purpose. (Affidavit of Peter C. Greenlee).

Dated this 30th day of September, 2000.

Peter C. Greenlee (238442)
Greenlee Law Office
P.O. Box 1067
Twig, MN 55791
(218) 729-0628

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ORDER

This matter came on for hearing upon the Motion of Attorney peter C. Greenlee for Withdrawal as counsel of record pursuant to Local Rule 9010-3(e) at the United States Courthouse in Duluth on October 11, 2000. Appearances were noted on the record. Based upon the evidence arguments of counsel, and all records, and the Court being fully advised of the premises,

IT IS HEREBY ORDERED

1. The Motion for Withdrawal of Counsel is GRANTED.

Dated _____, 2000.

Hon. Gregory F. Kishel
United States Bankruptcy Court Judge

not later than October 9, which is three days before the time set for a hearing. Unless a Response opposing the Motion is timely filed, the court may grant the motion without a hearing.

4. Peter C. Greenlee requests Court permission to withdraw as attorney of record, and submits a proposed Order allowing same.

5. The Court has jurisdiction over this motion, which is brought pursuant to Local Rule 9010-3(e) and Minnesota Rules of Professional Conduct 1.2(c).

WHEREFORE, Applicant moves the Court for an Order allowing withdrawal of Peter C. Greenlee and Greenlee Law Office as attorney of record in the above-entitled matter.

Dated this 30th day of September, 2000.

Peter C. Greenlee (238442)
Greenlee Law Office
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